

REMARKS

Upon entry of the present amendments, original Claims 1 - 13 and 21 - 26 remain in this case.

Reconsideration of the rejections, in light of the foregoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Official Action, it was indicated that Claims 14, 17 and 20 were rejected under 35 U.S.C. § 102(b) as anticipated by the Hammond patent. Claims 18 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious in view of the Hammond patent. The drawings were objected to as being of an informal quality. Importantly, it was indicated that Claims 1 - 13 were allowable over the prior art of record. Additionally, it was indicated that Claims 15 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Although Applicant respectfully disagrees with the Examiner's analysis with respect to the formality objections, Applicant is desirous of obtaining patent protection on the invention at an early date. As such, Applicant has placed those "objected to" claims into a proper independent form so as to place the entire application into a proper condition for allowance.

In particular, Applicant has canceled original Claims 14 - 20 and has presented such claims in the form of new Claims 21 - 26. New independent Claim 21 reflects the limitations of original independent Claim 14, along with "objected-to" Claim 15. As such, independent Claim 21 should now be in a proper condition for allowance. Dependent Claims 22 - 26 correspond to original dependent Claims 16 - 20 with the dependencies changed so as to reflect the combination of Claims 14 and 15 in new independent Claim 21.

Applicant is attaching hereto formal drawings in place of the originally submitted informal drawings. As such, Applicant respectfully contends that the present drawings overcome the formality objection by the Examiner.

Based upon the foregoing analysis, Applicant contends that independent Claims 1 and 21 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should similarly be in condition for allowance. Reconsideration of the rejections and allowance of the present claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,


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5-22-02
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MASSON, Marcos; HENRY, Mark

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TITLE: CIRCUMFERENTIAL RETRACTOR APPARATUS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby certify that the attached correspondence comprising:

AMENDMENT "A"

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

on May 23, 2002.

Respectfully submitted,



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